

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: HEARD, Thomas Sweeney Art Unit: 1654
Re: Application of: GREENWALD, Richard B., et al.
 Serial No.: 10/705,740
 Filed: November 11, 2003
 For: **PRODRUGS OF VANCOMYCIN WITH
 HYDROLYSIS RESISTANT POLYMER
 LINKAGES**
Confirmation No.: 4315

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

I, Margaret M. Albanese, declare and state:

1. I presently hold the position of Director, Intellectual Property at Enzon Pharmaceuticals, Inc.
2. The corporate resolution of Enzon Pharmaceuticals, Inc. has empowered me to represent matters associated with the subject matter of the instant application before the United States Patent Office on behalf of Enzon Pharmaceuticals, Inc. ("Enzon").
3. I understand the section entitled "Claim Rejection -- 35 USC §102" of the Examiner's September 5, 2007 Office Action. In particular, I understand that the Examiner has rejected the subject matter of claims 15 and 24-25 of the instant invention under 35 USC 102(e) as being anticipated by Enzon's commonly assigned US Patent Application Publication No. 2002/0103259 ("259 application").

4. Enzon is a common assignee of the instant application and the '259 application. The inventor, Anthony J. Martinez, is a common inventor of both applications.

5. Any invention disclosed but not claimed in the '259 application was derived from the inventor, Anthony J. Martinez, of this application and is thus not the invention "by another".

6. As I have set forth above, it is clear that the subject matter of claims 15 and 24-25 are not anticipated by the '259 application.

7. I further declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful and false statements and like so made are punishable by fine or imprisonment, or both, under ' 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

December 3, 2007

Date

Margaret M. Albanese

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